

# **Exhibit 1**



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# Firm Resume

## Antitrust and Competition Litigation

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New York, NY

Washington, D.C.

Wilmington, DE

Chicago, IL

[www.labaton.com](http://www.labaton.com)



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## Firm Overview

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In our 50 years+ of practice, Labaton Sucharow has recovered billions of dollars for investors and consumers.

Labaton Sucharow has become a highly revered litigation powerhouse, recovering more than \$12 billion for investors and consumers. The Firm litigates in the areas of securities, corporate governance and shareholder rights, and antitrust law, as well as whistleblower representation. Our team's victories over the last decade are drawn straight from the headlines, including historic settlements in litigation against AIG, Bear Stearns, Countrywide, Schering-Plough, and Fannie Mae, among others.

### Antitrust and Competition Litigation

Labaton Sucharow has a well-earned reputation for successfully investigating and litigating complex antitrust class actions. We have led the charge in some of the most significant private antitrust litigation in recent years, including *In re Air Cargo Shipping Services Antitrust Litigation* (more than \$1.2 billion in settlements). We have also been at the forefront in antitrust cases involving complex financial instruments and commodities manipulation, as well as cases of anticompetitive conduct in the healthcare industry, including pay-for-delay cases.

### Securities Litigation

As a leader in the securities litigation field, the Firm is a trusted advisor to more than 300 institutional investors with collective assets under management in excess of \$2 trillion. The practice focuses on portfolio monitoring and domestic and international securities litigation for sophisticated institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995, we have recovered more than \$9 billion in the aggregate. Our success is driven by the Firm's robust infrastructure, which includes one of the largest in-house investigative teams in the plaintiffs' bar.

### Corporate Governance and Shareholder Rights Litigation

Our breadth of experience in shareholder advocacy has also taken us to Delaware, where we press for corporate reform through our Wilmington office. These efforts have already earned us a string of enviable successes, including one of the largest derivative settlements ever achieved in the Court of Chancery, a \$153.75 million settlement on behalf of shareholders in *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*.

### Whistleblower Representation

Our Whistleblower Representation Practice leverages the Firm's securities litigation expertise to protect and advocate for individuals who report violations of the federal securities laws. Jordan A. Thomas, former Assistant Director and Assistant Chief Litigation Counsel in the Division of Enforcement at the SEC, leads the practice.

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***"Labaton Sucharow is 'superb' and 'at the top of its game.' The Firm's team of 'hard-working lawyers... push themselves to thoroughly investigate the facts' and conduct 'very diligent research'."***

*-The Legal 500*

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## Antitrust and Competition Litigation

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Due to our record of success, the Firm is regularly appointed lead or co-lead counsel.

Labaton Sucharow's Antitrust and Competition Litigation Practice challenges global anticompetitive conduct and has recovered nearly \$3 billion on behalf of consumers injured by antitrust and commodities law violations, including price-fixing, price manipulation, and monopolization. The practice is led by Co-Chairs Gregory Asciolla and Jay L. Himes, longtime leaders in the antitrust bar with significant government, defense, and trial experience. These diverse and specialized backgrounds speak to the invaluable prosecutorial insight and noteworthy settlements achieved by the Antitrust and Competition Litigation Practice.

The practice secured its leadership in the plaintiffs' antitrust bar through pioneering work against monopolists in the pharmaceutical industry in the 1990s. More than two decades later, we continue to break new ground by filing novel cases under federal and state antitrust laws involving pharmaceutical products, as well as antitrust and commodities cases involving complex financial products. Our ability to investigate markets and unearth anticompetitive conduct is unmatched. Regulators have even followed our lead by conducting subsequent government investigations stemming from our cases.

The practice's client base includes pension funds, health and welfare funds, managed care organizations/insurers, municipalities and related quasi-government agencies, small businesses, large corporations, and individual consumers.

### Experience

Labaton Sucharow has a distinguished record of success in prosecuting international price-fixing cartels. As co-lead counsel in *In re Air Cargo Shipping Services Antitrust Litigation*, we secured more than \$1.2 billion in recoveries from nearly 40 global airlines for price-fixing air cargo shipping services worldwide. In *In re Automotive Lighting Products Antitrust Litigation*, our antitrust attorneys demonstrated their willingness to litigate a global price-fixing conspiracy involving automotive lighting products all the way to trial. Our unwavering advocacy secured a settlement of more than \$50 million on the eve of trial. The practice also has extensive experience in prosecuting monopoly claims, including conduct involving exclusive dealing, coercive tying, and conditional pricing programs.

Labaton Sucharow is also leading the charge in investigating and filing high-profile price-fixing and manipulation cases involving complex financial derivative products, including U.S. treasury securities, foreign currency exchanges, interest rate swaps, and precious metals such as gold, platinum, and palladium. In the healthcare industry, we are challenging the world's largest pharmaceutical companies for anticompetitive conduct, including entering into agreements to delay the entry of lower cost generic drugs onto the market and engaging in sham litigation and fraud on the U.S. Patent & Trademark Office.

### Notable Successes

Labaton Sucharow has achieved many outstanding results on behalf of its clients. Key highlights include:

#### Antitrust and Commodities Class Actions

- ***In re Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D.N.Y.)**  
Served as co-lead counsel and obtained more than \$1.2 billion in settlements to resolve claims that major airlines participated in a global conspiracy to fix surcharges for air cargo shipping services.

- ***In re Credit Default Swaps Antitrust Litigation, No. 13-md-2476 (S.D.N.Y.)***  
Served as class counsel and represented class representative Essex Regional Retirement System and a class of direct purchasers of credit default swaps (CDS). Plaintiffs alleged that major CDS dealers conspired to, among other things, prevent the development of an exchange-based CDS trading platform so that they could maintain artificially high bid-ask spreads on their CDS trades with plaintiffs and the class. Plaintiffs secured nearly \$1.9 billion in settlements.
- ***In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-07789 (S.D.N.Y.)***  
Serves as class counsel and represents class representative Boston Retirement System and a class of individuals and entities that purchased foreign exchange products whose value was derived by reference to the WM/Reuters rates, a key benchmark in the foreign exchange (FX) market. Plaintiffs allege that major FX dealer banks conspired with each other to manipulate the WM/Reuters rates to enrich themselves at the expense of plaintiffs and the class. To date, the combined settlements amount to more than \$2.3 billion. All of those settlements have included cooperation agreements. The court described this case as "extremely complex," involving complicated issues of antitrust law and complex subject matter of FX trading. The case continues against the remaining defendants.
- ***Alaska Electrical Pension Fund, et al. v. Bank of America, Corp., No. 14-cv-7126 (S.D.N.Y.)***  
Serves as class counsel and represents class representative Genesee County Employees' Retirement System and a class of individuals and entities that transacted in any financial instrument whose value was affected by defendants' conspiracy to manipulate ISDAFIX. Plaintiffs allege that major banks conspired to manipulate ISDAFIX, a key benchmark for valuing various interest rate derivatives (including swaps and swaptions), for purposes of enriching themselves at the expense of plaintiffs and the class. Plaintiffs have secured \$408.5 million in partial settlements to date. The case continues against the remaining defendants.
- ***In re Aggrenox Antitrust Litigation, No. 14-md-02516 (D. Conn.)***  
Served as class counsel and represented class representative Pipefitters Union Local No. 537 Health & Welfare Fund and a class of end-payors. Plaintiffs alleged that Boehringer Ingelheim paid generic competitors \$120 million in non-cash consideration to abandon its patent challenge and delay the launch of a cheaper generic Aggrenox product. Plaintiffs secured \$54 million in total settlements with all defendants.
- ***In re Lidoderm Antitrust Litigation, No. 14-md-02521 (N.D. Cal.)***  
Served as class counsel and represented class representatives Iron Workers District Council of New England Welfare Fund and Letizia Gallotto and a class of end-payors. Plaintiffs alleged that Endo Pharmaceuticals and Teikoku Seiyaku agreed to pay generic competitors over \$100 million in non-cash consideration to not launch a cheaper generic version of Lidoderm. Plaintiffs secured \$104.75 million in total settlements with all defendants.
- ***In re Aftermarket Automotive Lighting Products Antitrust Litigation, No. 09-ml-02007 (C.D. Cal.)***  
Served as co-lead counsel and obtained more than \$50 million in settlements to resolve claims that several manufacturers participated in an international conspiracy to fix the prices of aftermarket automotive lighting products.
- ***In re Natural Gas Commodity Litigation, No. 03-cv-06186 (S.D.N.Y.)***  
Served as co-lead counsel and obtained more than \$100 million in settlements to resolve claims that defendants manipulated the price of natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX). The total settlement obtained in this complex litigation was the second largest class action recovery in the 85-year history of the Commodity Exchange Act.

- ***In re Amaranth Natural Gas Commodities Litigation, No. 07-cv-6377 (S.D.N.Y.)***  
Served as class counsel and obtained a \$77.1 million settlement to resolve allegations that several energy trading firms and their employees manipulated the prices of NYMEX natural gas futures contracts.
- ***In re Puerto Rican Cabotage Antitrust Litigation, No. 08-md-01960 (D.P.R.)***  
Served as co-lead counsel and obtained \$52 million in settlements to resolve claims that defendants participated in a conspiracy to fix the prices of ocean freight services between the continental United States and Puerto Rico.
- ***In re Marine Hose Antitrust Litigation, No. 08-md-1888 (S.D. Fla.)***  
Served as co-lead counsel and obtained \$31.7 million in settlements to resolve claims that defendants participated in a conspiracy to fix the prices of and allocate markets for marine hose products.
- ***In re Flat Glass Antitrust Litigation (II), No. 08-mc-00180 (W.D. Pa.)***  
Served as co-lead counsel and obtained more than \$22 million in settlements to resolve claims that defendants participated in conspiracy to fix the prices of construction flat glass.
- ***In re Aftermarket Filters Antitrust Litigation, No. 08-cv-4883. (N.D. Ill.)***  
Served as co-lead counsel and obtained nearly \$18 million in settlements to resolve claims that defendants participated in a conspiracy to fix the prices of aftermarket automotive filters (oil, air, and fuel).
- ***In re Optiver Commodities Litigation, No. 08-cv-06842 (S.D.N.Y.)***  
Served as class counsel and obtained a \$16.7 million settlement to resolve claims that Optiver Holding BV manipulated oil and gasoline futures contracts over a 24-day period in 2007.
- ***In re Abbott Labs Norvir Antitrust Litigation, No. 04-cv-01511 (N.D. Cal.)***  
Served as co-lead counsel and obtained a \$10 million settlement to resolve claims that Abbott Laboratories unlawfully raised the price of Norvir, a critical HIV medication that is used in conjunction with other medications, in an attempt to limit competitors in the HIV drug market.
- ***Sandhaus v. Bayer AG, No. 00-cv-6193 (Dist. Ct. of Kansas, Johnson County)***  
Served as co-lead counsel and obtained a \$9 million settlement, pending final approval, on behalf of a class of Kansas end-payors. Plaintiff alleged that Bayer agreed to pay generic manufacturers nearly \$400 million to abandon their patent challenge and refrain from launching a cheaper generic version of Cipro until 2003 so that Bayer could maintain supracompetitive prices for Cipro. The settlement is the largest ever for Kansas end-payors in pay-for-delay litigation.
- ***Ace Marine Rigging & Supply, Inc. v. Virginia Harbor Services, et al., No. 11-cv-00436 (C.D. Cal.) and Board of Trustees of Commissioners of the Port of New Orleans v. Virginia Harbor Services, et al., No. 11-cv-00437 (C.D. Cal.)***  
Served as sole lead counsel and obtained more than \$5 million in settlements in two related class actions to resolve claims that defendants participated in a conspiracy to fix the prices of various marine products (foam-filled fenders and buoys and plastic marine pilings).
- ***In re Municipal Derivatives Antitrust Litigation, MDL No. 1950, 08-cv-2516 (S.D.N.Y.)***  
Served as class counsel and obtained more than \$275 million in settlements from major financial institutions and brokers to resolve claims that they conspired to rig bids for investment contracts solicited by municipalities across the United States.
- ***In re Lorazepam and Clorazepate Antitrust Litigation, No. 99-cv-01082 (D.D.C.)***  
Served as co-lead counsel and obtained \$135.4 million in settlements to resolve claims that Mylan Laboratories monopolized the supply of active ingredient for the anti-anxiety drugs Lorazepam and Clorazepate and implemented anticompetitive price increases for those drugs.

- ***National Metals, Inc. v. Sumitomo Corporation et al.*, No. GIC 734001 (Cal. Super. Ct., San Diego County)**  
Served as class counsel and obtained more than \$90 million in settlements to resolve claims that Sumitomo Corporation participated in a conspiracy to manipulate copper prices on the London Metals Exchange and worldwide in violation of California antitrust law.
- ***In re Buspirone Antitrust Litigation*, No. 01-md-01413 (S.D.N.Y.)**  
Served as class counsel and obtained a \$90 million settlement to resolve claims that Bristol-Myers Squibb engaged in monopolistic and other anticompetitive conduct in marketing BuSpar, an anti-anxiety drug.
- ***In re TriCor Indirect Purchaser Antitrust Litigation*, No. 05-cv-00360 (D. Del.)**  
Served as co-lead counsel and obtained a \$65.7 million settlement to resolve claims that Abbott Laboratories and Fournier Industrie et Sante engaged in anticompetitive sham litigation to avoid competition on its cholesterol lowering drug, TriCor.
- ***In re Stock Exchanges Options Trading Antitrust Litigation*, No. 99-cv-00962 (S.D.N.Y.)**  
Served as class counsel and obtained \$47 million in settlements to resolve claims that defendants participated in a conspiracy to restrict listing of equity options on national exchanges.
- ***In re Warfarin Sodium Antitrust Litigation*, Nos. 02-3603, 02-3755, 02-3757, 02-3758 (D. Del.)**  
Served as co-lead counsel and obtained a \$44.5 million settlement to resolve claims that DuPont engaged in campaign of falsely disparaging its competitors' cheaper generic products for purposes of restraining competition in the warfarin sodium market. Labaton Sucharow successfully defended the settlement on appeal to the Third Circuit.
- ***In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*, No. 11-md-02284 (E.D. Pa.)**  
Served as co-lead counsel and obtained a settlement calling for significant additional relief in the form of improved appeals process, increased warranty, and improved notice to resolve claims that DuPont misled consumers about the safety and effectiveness of Imprelis, an herbicide.

## Ongoing Litigation

### Antitrust and Commodities Class Actions

- ***In re Treasury Securities Auction Antitrust Litigation*, No. 15-md-2673 (S.D.N.Y.)**  
Serves as co-lead counsel and represents as class of U.S. Treasuries investors in this massive price-fixing conspiracy involving U.S. Treasury securities. Plaintiffs allege that primary dealers of U.S. Treasury securities manipulated the markets for U.S. Treasuries and Treasuries-linked derivatives. Labaton Sucharow conducted an independent investigation and filed the first case in the nation.
- ***In re Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 16-md-02724 (E.D. Pa.)**  
Leads the prosecution of this multidistrict litigation as a member of the Plaintiffs' Steering Committee on behalf of end-payers. Plaintiffs allege a per se unlawful scheme among generic drug companies to fix prices and allocate customers and markets for 18 generic drugs.
- ***In re Platinum and Palladium Antitrust Litigation*, No. 14-cv-9391 (S.D.N.Y.)**  
Serves as co-lead counsel and represents Modern Settings LLC (a New York LLC) and Modern Settings LLC (a Florida LLC) and a class of individuals and entities who transacted in platinum and palladium and platinum- and palladium-based financial derivative products, whose values were derived by reference to the London Platinum and Palladium Fixings. Plaintiffs allege that the major platinum and palladium dealers conspired to manipulate the prices of platinum and palladium during the London Platinum and Palladium Fixings. Labaton Sucharow conducted its own independent investigation based on non-public information and filed the first case in the nation.



- ***In re Opana ER Antitrust Litigation, No. 14-cv-10150 (N.D. Ill.)***  
Serves as co-lead counsel and represent Mary Davenport and a class of end-payors against Endo, Penwest, and Impax. Plaintiffs allege that defendants entered into an unlawful and anticompetitive pay-for-delay agreement for the pain reliever drug, Opana ER.
- ***In re Capacitors Antitrust Litigation, No. 14-cv-03264 (N.D. Cal.)***  
Serves as class counsel for a class of direct purchasers of aluminum, tantalum, and film capacitors. Plaintiffs allege that major capacitor manufacturers participated in an international conspiracy to fix the prices of aluminum, tantalum, and film capacitors. Plaintiffs have secured \$99.5 million in partial settlements to date. The litigation continues against the remaining defendants.
- ***In re Commodity Exchange, Inc. Gold Futures and Options Trading Litigation, No. 14-md-2548 (S.D.N.Y.)***  
Serves as class counsel and represents class representative David Markun and a class of individuals and entities who transacted in gold and gold-based derivatives products, whose value was derived by reference to the London Gold Fixings. Plaintiffs allege that major gold dealers conspired to manipulate the prices of gold during the London Gold Fixings for purposes of enriching themselves at the expense of plaintiffs and the class. Plaintiffs have secured \$60 million in partial settlements to date. The litigation continues against the remaining defendants.

## Reputation and Leadership in the Antitrust Bar

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### Court Commendations

Many judges have remarked favorably on the Firm's experience and results achieved in class action litigation.

- "I want to thank you all for your professionalism in this . . . very lengthy and complicated matter . . . I appreciate your cooperation and the manner in which all of the attorneys conducted themselves in this litigation . . . It makes our job much easier when we have fine lawyers representing their clients in a professional manner."
  - Judge Donald L. Graham (granting final approval of partial settlement)  
*In re Marine Hose Antitrust Litigation*, No. 08-md-01888 (S.D. Fla.)
- "I do want to just make the point that the advocacy has really been remarkable both on the papers and in the arguments today – I really appreciate it. It's been a pleasure to hear so many good litigators advocate their positions. So thank you."
  - Judge Viktor V. Pohorelsky (remarking on advocacy at hearing on the defendants' motions to dismiss)  
*In re Air Cargo Shipping Services Antitrust Litigation*, MDL 1775 (E.D.N.Y.)
- "The Labaton firm is very well known to the courts for the excellence of its representation."
  - Judge Jed S. Rakoff (appointing Labaton Sucharow as Lead Counsel)  
*Middlesex County Retirement System v. Monster Worldwide, Inc.*, No. 07-cv-2237 (S.D.N.Y.)
- "Let me say that the lawyers in this case have done a stupendous job. They really have."
  - Chief Judge John Koeltl (approving \$90 million settlement with Bristol-Myers Squibb)  
*In Re Buspirone Antitrust Litigation*, MDL No. 1413 (S.D.N.Y.)
- "The class counsel are well-qualified to litigate this type of complex class action, and they showed their effectiveness in the case at bar through the favorable cash settlement they were able to obtain."
  - Chief Judge Sue L. Robinson (approving \$44.5 million cash settlement)  
*In re Warfarin Sodium Antitrust Litigation*, MDL No. 1232 (D. Del.)

## Awards and Accolades

Industry publications and peer rankings consistently recognize the Firm as a respected leader in antitrust and securities litigation.

### **Benchmark Litigation**

Top 10 Plaintiff Firms in United States (2018)

Recognized in Antitrust Litigation (2012-2016)

*"Clearly living up to its stated mission 'reputation matters'...consistently earning mention as a respected litigation-focused firm fighting for the rights of institutional investors"*

### **Chambers & Partners USA**

Top rankings in Antitrust: Plaintiff (2014-2017)

Jay L. Himes noted as *"an aggressive litigator with a broad knowledge of the law"*

Gregory Asciolla defined as an attorney who *"knows how to cut the defense"*

### **The Legal 500**

Recognized in Antitrust (2010-2017)

Gregory Asciolla named a Next Generation Lawyer and recommended in the field of antitrust class action litigation.

Jay L. Himes recommended in the field of antitrust litigation class action.

*"Zealous advocate for clients" and "they set the tone of strong advocacy that is balanced with true assessments of the risks that clients face in litigation"*

### **The National Law Journal**

Hall of Fame Honoree and Top Plaintiffs' Firm (2006-2016)

Elite Trial Lawyers (2014-2015)

*"Definitely at the top of their field on the plaintiffs' side"*

### **Law360**

"Most Feared Plaintiffs" Firm for the third year in a row (2013-2015), Class Action Practice Group of the Year (2012, 2014-2017), and Gregory Asciolla named "Titan" and one of the most admired attorneys of the plaintiffs bar (2014)

*"Known for thoroughly investigating claims and conducting due diligence before filing suit, and for fighting defendants tooth and nail in court"*

### **Global Competition Review**

Gregory Asciolla, Jay L. Himes, and Lawrence A. Sucharow recognized as leading competition (U.S. plaintiff) lawyers (2014-2017)

### **2014 William T. Lifland Award**

Jay L. Himes (presented to antitrust practitioners in recognition of their contributions and accomplishments in the field of antitrust)

### **Thomson Reuters' Super Lawyers**

Gregory Asciolla (2013-2016)

Jay L. Himes (2010-2016)

## Bar Activities and Appointments

Along with their active caseload, Co-Chairs Gregory Asciolla and Jay L. Himes make substantial contributions to the antitrust bar.

### Gregory Asciolla

- Member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association
- Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association
- Former Chairman of the Horizontal Restraints Committee of the New York State Bar Association Antitrust Committee
- Member of the *Law360* Competition Editorial Advisory Board from 2013-2015.

### Jay L. Himes

- Antitrust Law Section's delegate to the House of Delegates of the New York State Bar Association
- Member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association
- Co-Chair of the Antitrust Committee of the State Bar's Commercial and Federal Litigation Section
- Appointed and currently serving as the monitoring trustee in Bazaarvoice, Inc.'s compliance with its obligations under the proposed final judgment in the Department of Justice's most recent merger victory after trial—*United States of America v. Bazaarvoice, Inc.*, No. 13-cv-00133.

## Thought Leadership

Asciolla and Himes are recognized for their experience and involvement in high-profile cases and frequently sought after by the media, including *The Wall Street Journal*, *Financial Times*, and *Law360* for commentary on global antitrust developments.

They also regularly organize and facilitate panels and lectures discussing the latest developments and trends in antitrust law and frequently publish work in national publications. Recent publications include:

- "Arbitration Rule Repeal Will Adversely Affect Consumers," *Law360*, November 2, 2017
- "A Turning of the Tide: Victim Redress Through Private Antitrust Litigation," *CPI Antitrust Chronicle*, July 18, 2016
- "Creating a Partial Solution to Delayed Generic Competition," *Law360*, June 24, 2016
- "Cash or No Cash — That is No Longer the Question!" *ABA Antitrust Health Care Chronicle*, April 22, 2016
- "Shall We Dance?"— Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act," *CPI Antitrust Chronicle*, December 14, 2015
- "Oil in the Joints or Monkey Wrench in the Gears: Deferred and Non-Prosecution Agreements in Antitrust Cases," *NYLitigator*, November 3, 2014
- "What's Located in Washington, Part of the Government and Rolling in Dough?" *Bloomberg BNA Daily Report for Executives*, March 12, 2014



## Community Involvement

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As a result of our deep commitment to the community, Labaton Sucharow stands out in areas such as pro bono legal work and public and community service.

### Firm Commitments

#### Brooklyn Law School Securities Arbitration Clinic

Labaton Sucharow partnered with Brooklyn Law School to establish a securities arbitration clinic. The program served a dual purpose: to assist defrauded individual investors who cannot otherwise afford to pay for legal counsel; and to provide students with real-world experience in securities arbitration and litigation. Partners Mark S. Arisohn and Joel H. Bernstein led the five-year program as adjunct professors.

#### Change for Kids

Labaton Sucharow supports Change for Kids (CFK) as a Strategic Partner of P.S. 182 in East Harlem. One school at a time, CFK rallies communities to provide a broad range of essential educational opportunities at under-resourced public elementary schools. By creating inspiring learning environments at our partner schools, CFK enables students to discover their unique strengths and develop the confidence to achieve.

#### The Lawyers' Committee for Civil Rights Under Law

Edward Labaton, Member, Board of Directors

The Firm is a long-time supporter of The Lawyers' Committee for Civil rights Under Law, a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy. The Lawyer's Committee involves the private bar in providing legal services to address racial discrimination.

Labaton Sucharow attorneys have contributed on the federal level to United States Supreme Court nominee analyses (analyzing nominees for their views on such topics as ethnic equality, corporate diversity, and gender discrimination) and national voters' rights initiatives.

#### Sidney Hillman Foundation

Labaton Sucharow supports the Sidney Hillman Foundation. Created in honor of the first President of the Amalgamated Clothing Workers of America, Sidney Hillman, the foundation supports investigative and progressive journalism by its awarding monthly and yearly prizes. Partner Thomas A. Dubbs is frequently invited to present these awards.

#### Volunteer Lawyers for the Arts (VLA)

Labaton Sucharow supports Volunteer Lawyers for the Arts, working as part of VLA's pro bono team representing low-income artists and nonprofit arts organizations. VLA is the leading provider of educational and legal services, advocacy, and mediation to the arts community.

## Individual Attorney Commitments

Labaton Sucharow attorneys give of themselves in many ways, both by volunteering and in leadership positions in charitable organizations. A few of the awards our attorneys have received or organizations they are involved in are:

- Awarded “Champion of Justice” by the Alliance for Justice, a national nonprofit association of over 100 organizations which represent a broad array of groups “committed to progressive values and the creation of an equitable, just, and free society.”
- Pro bono representation of mentally ill tenants facing eviction, appointed as guardian ad litem in several housing court actions.
- Recipient of a Volunteer and Leadership Award from a tenants' advocacy organization for work defending the rights of city residents and preserving their fundamental sense of public safety and home.
- Board Member of the Ovarian Cancer Research Fund—the largest private funding agency of its kind supporting research into a method of early detection and, ultimately, a cure for ovarian cancer.

Our attorneys have also contributed to or continue to volunteer with the following charitable organizations, among others:

- |   |                                    |
|---|------------------------------------|
| ▪ American Heart Association                | ▪ Legal Aid Society                |
| ▪ Big Brothers/Big Sisters of New York City | ▪ Mentoring USA                    |
| ▪ Boys and Girls Club of America            | ▪ National Lung Cancer Partnership |
| ▪ Carter Burden Center for the Aging        | ▪ National MS Society              |
| ▪ City Harvest                              | ▪ National Parkinson Foundation    |
| ▪ City Meals-on-Wheels                      | ▪ New York Cares                   |
| ▪ Coalition for the Homeless                | ▪ New York Common Pantry           |
| ▪ Cycle for Survival                        | ▪ Peggy Browning Fund              |
| ▪ Cystic Fibrosis Foundation                | ▪ Sanctuary for Families           |
| ▪ Dana Farber Cancer Institute              | ▪ Sandy Hook School Support Fund   |
| ▪ Food Bank for New York City               | ▪ Save the Children                |
| ▪ Fresh Air Fund                            | ▪ Special Olympics                 |
| ▪ Habitat for Humanity                      | ▪ Toys for Tots                    |
| ▪ Lawyers Committee for Civil Rights        | ▪ Williams Syndrome Association    |



## Commitment to Diversity

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Recognizing that business does not always offer equal opportunities for advancement and collaboration to women, Labaton Sucharow launched its Women's Networking and Mentoring Initiative in 2007.

Led by Firm partners and co-chairs Serena Hallowell and Carol C. Villegas, the Women's Initiative reflects our commitment to the advancement of women professionals. The goal of the Initiative is to bring professional women together to collectively advance women's influence in business. Each event showcases a successful woman role model as a guest speaker. We actively discuss our respective business initiatives and hear the guest speaker's strategies for success. Labaton Sucharow mentors young women inside and outside of the firm and promotes their professional achievements. The Firm also is a member of the National Association of Women Lawyers (NAWL). For more information regarding Labaton Sucharow's Women's Initiative, please visit [www.labaton.com/en/about/women/Womens-Initiative.cfm](http://www.labaton.com/en/about/women/Womens-Initiative.cfm).

Further demonstrating our commitment to diversity in the legal profession and within our Firm, in 2006, we established the Labaton Sucharow Minority Scholarship and Internship. The annual award—a grant and a summer associate position—is presented to a first-year minority student who is enrolled at a metropolitan New York law school and who has demonstrated academic excellence, community commitment, and personal integrity.

Labaton Sucharow has also instituted a diversity internship which brings two Hunter College students to work at the Firm each summer. These interns rotate through various departments, shadowing Firm partners and getting a feel for the inner workings of the Firm.



## Antitrust Team

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The attorneys who are involved in the prosecution of antitrust and commodities litigation include former state and federal government enforcers, former in-house counsels, and former members of the defense bar.

The practice is led by Co-Chairs Gregory Asciolla and Jay L. Himes. Other attorneys that are part of this practice are partners Lawrence A. Sucharow (Co-Chairman of the Firm), Eric J. Belfi, and Christopher J. McDonald; Of Counsel Karin E. Garvey and Robin A. van der Meulen; and associates Matthew J. Perez, Brian Morrison, and Jonathan S. Crevier.

Detailed biographies of the team's qualifications and accomplishments follow.



# Labaton Sucharow



## Jay L. Himes

Partner

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New York, NY 10005

t: 212-907-0834

f: 212-883-7501

### Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

### Education

University of Wisconsin Law School  
J.D., *magna cum laude*, 1972

University of Wisconsin  
B.A., 1970

### Admissions

1974, New York

### 1982, U.S. Supreme Court

### U.S. Court of Appeals

1975, Second Circuit  
2010, Fifth Circuit  
2001, Sixth Circuit  
1982, Ninth Circuit  
2001, D.C. Circuit

### U.S. District Court

1972, Eastern District of Wisconsin  
1972, Western District of Wisconsin  
1975, Southern District of New York  
1978, Eastern District of New York

Co-Chair of the Firm's Antitrust and Competition Litigation Practice, Jay Himes is experienced in all facets of antitrust and complex litigation generally. With more than 40 years, Jay focuses on representing plaintiffs in price-fixing class action cases and protects businesses from anticompetitive activities.

Jay also serves as the court-appointed trustee in the Department of Justice's 2014 merger victory after trial—*United States of America v. Bazaarvoice, Inc.*—with the responsibility to monitor Bazaarvoice's compliance with its obligations under the final judgment.

Jay is the 2014 recipient of the William T. Lifland Service Award, presented by the Antitrust Section of the New York State Bar Association for distinguished service. *Chambers USA* reports that sources described him as an "aggressive litigator with a broad knowledge of the law," and *The Legal 500's* sources called him "a very solid and highly experienced antitrust lawyer."

A regular speaker at conferences focusing on such subjects as antitrust, class actions, international arbitration, and data protection, Jay has authored many conference papers and published articles. He has lectured annually on U.S. cartel and private action enforcement at the Zurich University of Applied Science's international competition and compliance programs offered to foreign competition law officials and practitioners in Geneva and Winterthur, Switzerland. He also has presented at panels in Amsterdam, Dublin, Hanoi, Krakow, Lisbon, Paris, Sao Paulo, Vienna, Winterthur, and Zurich, as well as in the United States.

Prior to joining Labaton Sucharow, Jay served for nearly eight years as the Antitrust Bureau Chief in the New York Attorney General's office. In that role, he served as the States' principal representative in the marathon 2001 negotiations that led to settlement of the governments' landmark monopolization case against Microsoft. Thereafter, Jay partnered with US DOJ officials to lead the Microsoft judgment monitoring and enforcement effort, activity that continued throughout his time at the Attorney General's office.

During his tenure as New York's chief antitrust official, Jay also led significant, high-profile antitrust investigations and enforcement actions. These cases included: *In re Bupirone Antitrust Litigation* (\$100 million settlement); *In re Cardizem CD Antitrust*

*Litigation* (\$80 million settlement); and *In re Compact Disc Antitrust Litigation* (\$67 million settlement). Under Jay's leadership, the New York Bureau secured the two largest antitrust civil penalties recoveries ever achieved under the State's antitrust statute.

Prior to serving in the Attorney General's office, Jay practiced complex litigation for 25 years at Paul, Weiss, Rifkind, Wharton & Garrison LLP. There, he represented the 12 Federal Reserve Banks as plaintiffs in a price-fixing case against the nation's leading armored car companies, and defended a Revlon healthcare company in a series of price-fixing cases that spanned nearly a decade. Additionally, Jay handled a wide range of litigation, including securities class actions as well as contract, construction, constitutional, entertainment, environmental, real property, and tax litigation. Active in pro bono matters, Jay worked with the New York Civil Liberties Union, NAACP, and National Coalition for the Homeless, while also representing inmate and immigration asylum clients.

Jay is a member of the U.S. Advisory Board of the Loyola University Chicago School of Law's Institute of Consumer Antitrust Studies, the MLex advisory board, and the editorial advisory group of the *Antitrust Chronicle*.

Jay serves as the Antitrust Section's delegate to the House of Delegates of the New York State Bar Association (NYSBA). He is also the past chair of the Antitrust Section of the NYSBA and currently co-chairs the antitrust committees of both the State Bar's Commercial and Federal Litigation Section and its International Section. Jay also serves as the senior vice-president chapter chair of the NYSBA's International Section. Jay is also a member of antitrust, litigation, and intellectual property groups in the American Bar Association.

Jay graduated from the University of Wisconsin Law School, where he served as the Articles Editor of the *Wisconsin Law Review*. Following law school, he pursued independent study at the University of Oxford in England.

## Ongoing Cases

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*

*In re Opana ER Antitrust Litigation*

*In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)*

*In re Treasury Securities Auction Antitrust Litigation*

## Settled | Resolved Cases

*In re Aftermarket Automotive Lighting Products Antitrust Litigation*

*In re Air Cargo Shipping Services Antitrust Litigation*

*In re Flat Glass II Antitrust Litigation*

*In re Municipal Derivatives Antitrust Litigation*

## Noteworthy

### In the News

**Albany Business Review**, One Year Later: Attorney General's Case Lingers Against Joe Nicolla (09/06/2017)

**Press Release**, Labaton Sucharow Earns High Marks in the 2017 Legal 500 Guide (05/31/2017)

**Press Release**, Labaton Sucharow Remains Prominent Player in the Plaintiffs Bar (05/26/2017)

**Policy and Regulatory Report**, Banks Claim U.S. *Libor* Decision Supports Dismissal of Gold and Silver Benchmark Cases (06/26/2016)

**Policy and Regulatory Report**, U.S. Second Circuit Revives Dismissed *Libor* Antitrust Claims for Litigation (05/23/2016)

**Law360**, DOJ Eyes Labaton Atty to Oversee \$168M Bazaarvoice Merger (06/30/2014)

**Pool & Spa News**, Manufacturer Settles in Antitrust Case (06/27/2014)

**Competition Policy International**, Interview Regarding Apple eBook Price-Fixing Verdict (07/10/2013)

**CBSsports.com**, Talks Resume; Is There Time? (11/23/2011)

**Law360**, Class Action In Flat Glass Antitrust MDL Can Proceed (02/11/2009)

### Digital Library

**The Capitol Forum**, Antitrust Interview Series (05/01/2015)

### Special Mentions

**Global Competition Review/Who's Who Legal**, Leading Competition Lawyer – U.S. Plaintiff (2016-2018)

**Law360**, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

**Chambers & Partners USA**, Plaintiffs Antitrust Leading Individual (2014-2017)

**The Legal 500**, Recommended in the Field of Class Action – Antitrust (2010, 2012-2017)

**Department of Justice**, Labaton Sucharow Partner Jay L. Himes Selected to Oversee Antitrust Action (07/01/2014)

**New York State Bar Association (NYSBA) Antitrust Section**, 2014 William T. Lifland Award (01/30/2014)

**Who's Who Legal**, The International Who's Who of Competition Lawyers & Economists 2014 (03/01/2014)

**Who's Who Legal**, The International Who's Who of Business Lawyers 2014 (03/01/2014)

**New York State Bar Association (NYSBA) Antitrust Section**, Elected Chair (01/28/2011)

## Published & Presented

**New York State Bar Association (NYSBA) International Section**, Prospect of the Korea-US Free Trade Agreement, Global Trade Wars in Connection with Anti-dumping and Anti-trust Law.(Co-Chair) (04/24/2018)

**American Antitrust Institute**, Session IV: International – Private Antitrust Enforcement Around the Globe (Moderator) (11/07/2017)

**New York State Bar Association (NYSBA) International Section**, Cross-Border Attorney-Client Challenges: Privilege Concurrent Representation and Confidentiality/Challenges to Implementing Competition Laws in Latin America (Co-Chair) (09/13/2017)

**Zurich School of Management and Law/New York State Bar Association (NYSBA) International Section**, International Competition Law and Compliance Certificate Program (Lecturer) (07/14/2017)

**New York State Bar Association (NYSBA) International Section**, Impact of Recent EC Decisions Applying the 'EU State Aid Provisions' to Tax Treatment of European and Multinational Companies (Co-Chair) (04/20/2017)

**New York State Bar Association (NYSBA) International Section**, Developments in Victim Recovery Litigation (10/20/2016)

**New York State Bar Association (NYSBA)**, International Competition Law and Compliance Certificate Program (Lecturer) (07/08/2016)

**New York State Bar Association (NYSBA) Commercial and Federal Litigation Spring Meeting**, Commercial and Federal Litigation, On Higher Ground? Baseball's Antitrust Exemption (Moderator) (05/13/2016)

**New York State Bar Association (NYSBA) International Section**, European Regional Meeting 2016, Current Developments: International Commercial Arbitration (Co-Chair and Speaker) (04/07/2016)

**NYLitigator**, Whistle While You Work – For a Cartelist: Whistleblower Protection and Antitrust (Fall 2015)

**International Law Practicum**, I'm Never Too Far Away: Extradition of Non-U.S. Nationals Charged with Price-Fixing (Autumn 2015)

**New York State Bar Association (NYSBA) Antitrust Section Horizontal Restraints Committee**, Catch as Catch Can: Extradition of Cartel Members (Panelist) (11/04/2015)

**New York State Bar Association (NYSBA) International Section**, Seasonal Meeting 2015 (Chair and Speaker) (10/14/2015)

**Zurich University of Applied Sciences**, International Competition Law and Compliance Certificate Program (Lecturer) (07/10/15)

**New York State Bar Association (NYSBA) International Section**, European Conference 2015 (Co-Chair and Speaker) (03/12-13/2015)

**New York State Bar Association (NYSBA) Antitrust Section Annual Meeting**, New Wine in Old Wineskins or Old Wine in New Wineskins? 100+ Years of Antitrust (Panel Moderator) (01/29/2015)

**NYLitigator**, Oil in the Joints or Monkey Wrench in the Gears: Deferred and Non-Prosecution Agreements in Antitrust Cases (Fall 2014)

**New York State Bar Association (NYSBA) International Section**, Seasonal Meeting 2014, Class Action and Collective Action In Arbitration & Litigation (Panel Co-Chair) (10/15/2014)

**Zurich University of Applied Sciences**, International Competition Law and Compliance Certificate Program (Lecturer) (07/04/2014)

**New York State Bar Association (NYSBA) Antitrust Section**, Nowhere to Hide: Perspectives on Global Cartel Enforcement From the Japanese, Korean, and U.S. Antitrust Authorities and Practitioners (Moderator) (06/05/2014)

**Bloomberg BNA Daily Report for Executives**, What's Located in Washington, Part of the Government and Rolling in Dough? (03/12/2014)

**New York University School of Law**, American Association of Law Schools – Antitrust, and the Section of Antitrust Law of the ABA, Next Generation of Antitrust Scholarship – Antitrust Limits (Speaker) (01/17/14)

**Competition Policy International Antitrust Chronicle**, Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls (01/01/2014)

**NyLitigator**, When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation (01/01/2014)

**European Competition Journal**, Two Bodies of Law Separated by a Common Mission: Unilateral Conduct by Dominant Firms at the IP/Antitrust Intersection in the EU and the US (December 2013)

**New York State Bar Association (NYSBA) Antitrust Section**, Antitrust Basics: An Introduction for New Attorneys (Panelist) (11/14/2013)

**New York State Bar Association (NYSBA) International Section**, Seasonal Meeting 2013, "Antitrust Enforcement Against International Cartels" (Speaker) (10/25/2013)

**Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success** (Co-Editor) (07/24/2013)

**Center for Competition and Commercial Law of the ZHAW School of Management**, Certificate of Advanced Studies International Competition Law and Compliance Program (Lecturer) (07/03/2013)

**New York State Bar Association (NYSBA) Antitrust Section**, Antitrust in Hi-Tech Markets - Intervention or Restraint? (Speaker) (12/07/2012)

**Bloomberg BNA**, An Ounce of Prevention...: The Preservation Subpoena ('Subpoena Conservo') to Non-Parties as a Litigation Tool (11/22/2012)

**New York State Bar Association (NYSBA) International Section**, Seasonal Conference 2012, Where is the Love...We Can Work It Out. IP/Competition Law/Dominant Firms (Speaker) (10/12/2012)

**American Bar Association (ABA), Section on Antitrust Law, State Enforcement, Agriculture and Food, and Exemptions and Immunities Committee**, The Capper Volstead Exemptions in an Era of Supply Management and Vertical Integration (Speaker) (09/25/2012)

**The Federal Bar Council and Antitrust Section of the New York State Bar Association**, Antitrust Conspiracies, Class Actions, and Refusals to Deal: Parallels, Signals, Plus Factors and Agreements (Speaker) (06/04/2012)

**Loyola University Chicago School of Law**, Institute of Consumer Antitrust Studies 12th Annual Loyola Antitrust Colloquium (Speaker) (04/27/2012)

**Competition Policy International Antitrust Chronicle**, New Toys For Old Games: eBooks – iTroubles (06/01/2012)

**Antitrust Connect Blog**, I Can't Make You Love Me If You Won't: Capper-Volstead Jilted by Sherman One (02/14/2012)

**New York City Bar Association (NYSBA)**, Moot Court Competition Judge (02/01/2012)

**New York State Bar Association (NYSBA) Antitrust Section**, Annual Meeting Program (Program Chair) (01/26/2012)

**New York State Bar Association (NYSBA) Entertainment, Arts, and Sports Law Section**, New Models of Publishing: E-Books, Apps, Self-Publishing, and Other Challenges (Speaker) (01/23/2012)

**New York University Law School** and the ABA Next Generation of Antitrust Scholars Program (Speaker) (01/20/2012)

**Bloomberg BNA Antitrust Trade & Regulation Report**, No Rest(titution) For The Weary: Crime Victims and Treble Damages in Antitrust Cases (11/18/2011)

**State Bar of Michigan**, Annual Meeting: Corporate Leniency in an Era of Increased Antitrust Enforcement (Panelist) (09/16/2011)

**Competition Policy International Antitrust Chronicle**, Duking It Out in Antitrust Price-Fixing: Class Actions After Dukes (08/01/2011)

**New York State Bar Association (NYSBA)**, Annual Meeting (Program Chair), (01/27/2011)

**Ohio State Bar Association (OSBA)**, 2nd Annual Great Lakes Antitrust Institute: Resale Price Maintenance - In Search of Certainty (Panelist) (10/29/2010)

**American Bar Association (ABA)** and **New York State Bar Association (NYSBA)**, New York's Donnelly Act: Another Tool in the Chest? (Webinar Speaker) (07/22/2010)

**Competition Policy International Antitrust Journal**, The Duchesses Come Out Swinging in Dukes: Restoring the Balance in Class Certification (August 2010)

**Competition Policy International Antitrust Journal**, Just What the Doctor Ordered: A Second Opinion for Vertical Price-Fixing (January 2010)

**New York State Bar Association (NYSBA)**, When Worlds Collide: Current Issues Affecting Parallel Public and Private Litigation (01/28/2010)

**Global Competition Policy**, It Ain't Funny How Time Slips Away: Amnesty Recipient Cooperation in Civil Antitrust Litigation (August 2009)

**Bloomberg BNA Antitrust & Trade Regulation**, Monopoly Is What Happens While You're Busy Making Speeches: Change We Can Believe In Comes To The Antitrust Division (06/12/2009)

**Bloomberg BNA Class Action Litigation**, The Class Action Fairness Act: A Wolf in Wolves' Clothing (05/08/2009)

**NyLitigator**, Antitrust Looms Large in the Supreme Court's Past Term (06/01/2008)

# Labaton Sucharow



## Gregory Asciolla

Partner

email: [gasciolla@labaton.com](mailto:gasciolla@labaton.com)

address: 140 Broadway

New York, NY 10005

t: 212-907-0827

f: 212-883-7527

### Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

### Education

Catholic University of America  
J.D., 1993

Boston College  
A.B., English and Economics, *cum laude*, 1987

### Admissions

1994, New York  
1996, District of Columbia

### U.S. Court of Appeals

2013, Second Circuit  
2013, Third Circuit

### U.S. District Court

2007, Southern District of New York  
2007, Eastern District of New York

Gregory Asciolla, Co-Chair of the Firm's Antitrust and Competition Litigation Practice, focuses on representing businesses and public pension funds in complex antitrust and commodities class actions. Currently, Greg represents clients in global antitrust matters involving alleged price-fixing, benchmark and commodities manipulation, pay-for-delay, and other anticompetitive practices. Named a Titan of the Plaintiffs Bar by *Law360*, as well as a leading plaintiffs competition lawyer by *Global Competition Review* and *Chambers & Partners USA*, Greg is often recognized for his experience and involvement in high-profile cases. He also was named a Next Generation Lawyer by *The Legal 500* with sources describing him as "very effective plaintiffs' counsel" and "always act[ing] with a good degree of professionalism."

Prior to joining Labaton Sucharow, Greg practiced antitrust litigation and counseling on behalf of clients worldwide at Morgan Lewis & Bockius LLP and Schulte Roth & Zabel LLP. He began his career as an attorney at the U.S. Department of Justice's Antitrust Division, where he focused on anticompetitive conduct in the healthcare industry.

Greg is frequently sought after by the media, including *The Wall Street Journal*, *The New York Times*, *Financial Times*, and *Global Competition Review*, for commentary on global antitrust developments. Greg also makes substantial contributions to the antitrust bar. In 2016 he was elected to the Executive Committee of the New York State Bar Association (NYSBA) Antitrust Law Section, where he formerly served as the Chairman of the Horizontal Restraints Committee. He currently serves as the Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association. Greg regularly organizes and sits on panels and lectures discussing the latest developments and trends in antitrust law and frequently publishes work in national publications such as *The National Law Journal*, *New York Law Journal*, and *Law360*. Additionally, he serves on the *Law360* Competition Editorial Advisory Board.

As a law student at Catholic University, he served as a member of the Catholic University Law Review and was the Co-Founder and Executive Editor of the *CommLaw Conspectus: Journal of Communications Law & Policy*. He also earned a certificate after successfully completing the law school's Comparative and International Law Program.



Greg also represents clients in the arts in several pro bono matters involving art law and intellectual property.

## Ongoing Cases

*In re Aggrenox Antitrust Litigation*

*In re Capacitors Antitrust Litigation*

*In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)*

*In re Foreign Exchange Benchmark Rates Antitrust Litigation*

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*

*In re Interest Rate Swaps Antitrust Litigation*

*ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)*

*In re Lidoderm Antitrust Litigation*

*In re Opana ER Antitrust Litigation*

*In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)*

*In re Treasury Securities Auction Antitrust Litigation*

*UFCW Local 1500 Welfare Fund v. Johnson & Johnson and Janssen Biotech*

## Settled | Resolved Cases

*In re Aftermarket Filters Antitrust Litigation*

*In re Air Cargo Shipping Services Antitrust Litigation*

*In re Credit Default Swaps Antitrust Litigation*

*In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*

*In re Marine Hose Antitrust Litigation*

*Marine Products Antitrust Litigation*

*In re Natural Gas Commodity Litigation*

*In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*

*Sandhaus v. Bayer Corp., et al.*

## Noteworthy

### In the News

**Law360**, Class Action Group of the Year: Labaton Sucharow (01/22/2018)

**Press Release**, For the Fifth Year, Firm Proves Legal Prowess, Honored as Law360 Class Action Group of the Year (01/22/2018)



**Press Release**, Labaton Sucharow Files Antitrust Class Action Against Johnson & Johnson Regarding Biologic Medication (10/27/2017)

**Law360**, The Biggest Competition Cases of 2017 So Far (07/07/2017)

**Law360**, Actavis at 4: Pay-for-Delay Lawsuits Receding (06/20/2017)

**Press Release**, Labaton Sucharow Earns High Marks in the 2017 Legal 500 Guide (05/31/2017)

**Press Release**, Labaton Sucharow Remains Prominent Player in the Plaintiffs Bar (05/26/2017)

**FX Week**, Scott Faces Extradition to U.S. (07/22/2016)

**FundFire**, Mass. Pension Alleges Price Fixing in Latest Bank 'Scandal' (05/20/2016)

**Law360**, BofA, Others Accused of Fixing Agency Bond Prices (05/19/2016)

**Policy and Regulatory Report**, Bank of America, Four Other Banks, Five Traders, Named in SSA Bond Antitrust Action (05/19/2016)

**Press Release**, Labaton Sucharow and Hausfeld File First Nationwide Class Action Alleging Global Conspiracy in \$9 Trillion SSA Bond Market (05/18/2016)

**Law360**, Second Circuit Aluminum Case Could Help Shape Antitrust Standing (03/18/2016)

**Law360**, Judge Garland Could Bring Greater Antitrust Focus to High Court (03/17/2016)

**Law360**, Ruling Signals Non-Cash Deals Won't Evade Actavis (02/23/2016)

**Law360**, Class Action Practice Group of the Year: Labaton Sucharow (01/08/2016)

**FundFire**, Pensions Pile into Massive Fixed Income Fraud Suit (12/14/2015)

**Financial Times**, Investor Lawsuits Pile up Claiming U.S. Treasury Market is Rigged (09/28/2015)

**Reuters On the Case with Alison Frankel**, For Shareholder Lawyers, Treasury Auction Antitrust Case is Next Big Thing (09/10/2015)

**Law360**, 1st UK Conviction Gives More Ammunition to Libor Plaintiffs (08/03/2015)

**Policy and Regulatory Report**, U.S. Investors Step Up Benchmark Manipulation Antitrust Actions (07/29/2015)

**New York Post**, Big Banks Colluded to Rig Treasury Market Auctions: Suit (07/24/2015)

**Law360**, 3 Key Issues in the Foreign Antitrust Reach Cert. Fight (03/19/2015)

**Law360**, Nexium Ruling Offers Road Map For Pay-For-Delay Classes (01/23/2015)

**Law360**, JPML Sends Opana Pay-for-Delay Suits to Illinois (12/12/2014)

**Law360**, Nexium Verdict No Final Word on Pay-for-Delay (12/08/2014)

**Global Competition Review**, Lawsuit Puts Platinum and Palladium Prices Under Antitrust Scrutiny (11/30/2014)

**Business Day TV**, Banks Under Fire for "FIXING" Platinum Prices (11/26/2014)

**The Wall Street Journal**, Lawsuit Alleges Palladium, Platinum Prices Manipulated (11/26/2014)

**The Financial Times**, Lawsuit Alleges Manipulation of Precious Metals Benchmark (11/26/2014)

**Bloomberg**, HSBC, Goldman Rigged Metals Prices for Years, Suit Says (11/26/2014)  
**Law360**, Goldman Hit With More Metal-Rigging Claims (11/25/2014)  
**Law360**, Titan of the Plaintiffs Bar: Gregory Ascioffa (11/14/2014)  
**FX Week**, FX Settlements Strengthen Civil Law Suit in U.S. (11/12/2014)  
**Law360**, 3 Key Holdings from DOJ's 9th Circ. AUO Win (07/11/2014)  
**FX Week**, Traders Could Face Extradition to U.S. in Fixing Lawsuit (07/04/2014)  
**Global Competition Review**, Global Competition Review's Plaintiffs' Antitrust Bar Survey (06/30/2014)  
**Global Competition Review**, E-Books Settlement Depends on Apple Appeals (06/17/2014)  
**Law360**, With Goldman, Bain Out, PE Players Pressured to Cut Deals (06/13/2014)  
**FX Week**, FX Benchmark Manipulated More than 25% of the Time, Plaintiffs Say (04/09/2014)  
**Law360**, 7th Circ. FTAIA Ruling Curtails U.S. Antitrust Reach (04/01/2014)  
**Financial Times**, Fears Over Gold Price Rigging Put Investors on Alert (02/24/2014)  
**Law360**, NY Law Gives Antitrust Immunity to State Health Care System (10/25/2013)  
**Law360**, JPML Centralizes Oil Price-Fixing Suits in NY (10/21/2013)  
**Law360**, AUO Appeal to Test Foreign Reach of U.S. Antitrust Laws (10/17/2013)  
**Law360**, Plaintiffs Attys Say EU Antitrust Litigation Plan Falls Short (06/12/2013)  
**Law360**, EU Oil Price-Fixing Probe Could Rival Libor Scandal (05/21/2013)  
**Law360**, Lawyers Weigh In on Supreme Court's Comcast Ruling (03/27/2013)  
**Law360**, AUO Appeals Let 9th Circ. Revisit Antitrust Precedent (02/05/2013)  
**Global Competition Review**, Potash Case Brings FTAIA to the Limelight (01/24/2013)  
**Law360**, Marine Equipment Price-Fixing Suits Wind Down with Deals (05/10/2012)  
**Law360**, Marine Equipment Sellers Pay \$5M in Antitrust Actions (07/27/2011)

## Digital Library

**Australian Broadcasting Network – Sunday Extra**, Banks on Trial (07/31/2016)  
**Business Day TV**, Banks Under Fire for "FIXING" Platinum Prices (11/26/2014)

## Special Mentions

**Global Competition Review/Who's Who Legal**, Leading Competition Lawyer – U.S. Plaintiffs (2016-2018)  
**Chambers & Partners USA**, Ranked in New York for Antitrust Litigation (2017)  
**The Legal 500**, Named a Next Generation Lawyer (2017) and Recommended in the Field of Class Action – Antitrust (2014-2017)  
**Law360**, Competition Editorial Advisory Board (2010, 2014-2016)

**Law360**, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

**Law360**, Titan of the Plaintiffs Bar (2014)

Former U.S. Department of Justice Attorney Gregory Ascioolla Elected Partner of Labaton Sucharow (02/20/2013)

## Published & Presented

**Law360**, Arbitration Rule Repeal Will Adversely Affect Consumers (11/02/2017)

**PF2 Securities**, Antitrust Enforcement in the Age of Tweets (Panelist) (10/24/2017)

**Center for Competition Policy**, Role of Authorized Generics in Enabling Pay for Delay Deals (Panelist) (06/22/2017)

**Collyer Bristow**, Banking and Financial Disputes Debate (Panelist) (09/19/2016)

**Banking Litigation Network**, Trends in Class Action Litigation (Speaker) (07/01/2016)

**Law360**, Creating a Partial Solution to Delayed Generic Competition (06/24/2016)

**New York State Bar Association (NYSBA)**, Watch Out Below! Avoiding Ethical Pitfalls in Class Action Litigation (Moderator) (01/28/2016)

**Competition Policy International (CPI) Antitrust Chronicle**, Shall We Dance?—Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act (December 2015)

**American Bar Association (ABA)**, The Promise and Pitfalls of Section 2: Recent Developments (Panelist) (10/27/2015)

**New York State Bar Association (NYSBA)**, The Antitrust Implications of Conditional Sales (Moderator) (11/21/2014)

**American Bar Association (ABA)**, Questioning the Integrity of Financial Benchmarks: Legal Tools and Practical Problems (Panelist) (01/23/2014)

**NYLitigator**, When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation (01/01/2014) \*Awarded Reader's Vote in the 2015 Antitrust Writing Awards Cross Border category

**The National Law Journal**, Europe Advancing Victims' Rights in Antitrust Actions (08/29/2013)

**New York State Bar Association (NYSBA)**, From Microsoft to Google: What Have We Learned About Antitrust in Technology Platform Markets? (Moderator) (05/30/2013)

**New York State Bar Association (NYSBA)**, The FTAIA After 30 Years: What Does The Recent Potash Decision Mean For The Future? (Moderator) (01/24/2013)

**NYSBA State Bar News**, Two New Court Rulings Say No Exception In Per Se Rule on International Price-Fixing (12/01/2012)

**The National Law Journal**, Recent Cases on Antitrust Implications of Petitioning Foreign Governments (11/28/2011)

**Insights & Analyses**, DOJ and FTC Announce New Statement of Enforcement Policy Regarding Accountable Care Organizations (11/14/2011)

**Westlaw Journal**, Quantifying Antitrust Damages in Private Enforcement Actions Under Europeans Union Competition Law (May 2010)

**BNA Class Action Litigation**, How Courts Analyze Guilty Pleas and Government Investigations When Considering the Plausibility of an Antitrust Conspiracy After Twombly (03/06/2010)

**Law360**, Iqbal and The Twombly Pleading Standard (06/15/2009)

**The New York Law Journal**, Analyzing Proper Pleading Standard for Commodity Manipulation Claims (02/10/2009)

**American Bar Association (ABA) Antitrust Counselor**, The Advantages of Not Opting Out of Class Action Litigation (February 2008)

# Labaton Sucharow



## Lawrence A. Sucharow

Co-Chairman

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### Practice Areas

Securities Litigation

Antitrust and Competition Litigation

Financial Products and Services Litigation

Corporate Governance and Shareholder Rights Litigation

Mergers & Acquisitions Litigation

Derivative Litigation

REITs and Limited Partnerships Litigation

Client Monitoring and Case Evaluation

Consumer Protection Litigation

### Education

Brooklyn Law School

J.D., *cum laude*, 1975

Baruch School of the City College of the City University of New York

B.B.A., *cum laude*, 1971

### Admissions

1976, New York

1980, New Jersey

2011, Arizona

**2003, U.S. Supreme Court**

**U.S. Court of Appeals**

1983, Second Circuit

**U.S. District Court**

1976, Southern District of New York

1976, Eastern District of New York

1980, District of New Jersey

With more than four decades of experience, Co-Chairman Lawrence A. Sucharow is an internationally recognized trial lawyer and a leader of the class action bar. Under his guidance, the Firm has earned its position as one of the top plaintiffs securities and antitrust class action firms in the world. As Co-Chairman, Larry focuses on counseling the Firm's large institutional clients, developing creative and compelling strategies to advance and protect clients' interests, and the prosecution and resolution of many of the Firm's leading cases.

Over the course of his career, Larry has prosecuted hundreds of cases and the Firm has recovered billions in groundbreaking securities, antitrust, business transaction, product liability, and other class actions. In fact, a landmark case tried in 2002—*In re Real Estate Associates Limited Partnership Litigation*—was the very first securities action successfully tried to a jury verdict following the enactment of the Private Securities Litigation Reform Act (PSLRA). Experience such as this has made Larry uniquely qualified to evaluate and successfully prosecute class actions.

Other representative matters include: *Arkansas Teacher Retirement System v. State Street Corporation* (\$300 million settlement); *In re CNL Resorts, Inc. Securities Litigation* (\$225 million settlement); *In re Paine Webber Incorporated Limited Partnerships Litigation* (\$200 million settlement); *In re Prudential Securities Incorporated Limited Partnerships Litigation* (\$110 million partial settlement); *In re Prudential Bache Energy Income Partnerships Securities Litigation* (\$91 million settlement); and *Shea v. New York Life Insurance Company* (over \$92 million settlement).

Larry's consumer protection experience includes leading the national litigation against the tobacco companies in *Castano v. American Tobacco Co.*, as well as litigating *In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*. Currently, he plays a key role in *In re Takata Airbag Products Liability Litigation* and a nationwide consumer class action against Volkswagen Group of America, Inc., arising out of the wide-scale fraud concerning Volkswagen's "Clean Diesel" vehicles. Larry further conceptualized the establishment of two Dutch foundations, or "Stichtingen" to pursue settlement of claims against Volkswagen on behalf of injured car owners and investors in Europe.

In recognition of his career accomplishments and standing in the securities bar, Larry was selected by *Law360* as one the 10 Most Admired Securities Attorneys in the United States and as a Titan of the Plaintiffs Bar. Further, he is one of a small handful of plaintiffs' securities lawyers in the United States recognized by *Chambers & Partners USA*, *The Legal 500*, *Benchmark Litigation*, and *Lawdragon* for his successes in securities litigation. Referred to as a "legend" by his peers in *Benchmark Litigation*, *Chambers* describes him as an "immensely respected plaintiff advocate" and a "renowned figure in the securities plaintiff world...[that] has handled some of the most high-profile litigation in this field." According to *The Legal 500*, clients characterize Larry as "a strong and passionate advocate with a desire to win." In addition, Brooklyn Law School honored Larry with the 2012 Alumni of the Year Award for his notable achievements in the field.

In 2018, Larry was appointed to serve on Brooklyn Law School's Board of Trustees. He has served a two-year term as President of the National Association of Shareholder and Consumer Attorneys, a membership organization of approximately 100 law firms that practice complex civil litigation including class actions. A longtime supporter of the Federal Bar Council, Larry serves as a trustee of the Federal Bar Council Foundation. He is a member of the Federal Bar Council's Committee on Second Circuit Courts, and the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the Founding Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association, a position he held from 1988-1994. In addition, Larry serves on the Advocacy Committee of the World Federation of Investors Corporation, a worldwide umbrella organization of national shareholder associations. In May 2013, Larry was elected Vice Chair of the International Financial Litigation Network, a network of law firms from 15 countries seeking international solutions to cross-border financial problems.

## Ongoing Cases

*Stichting Volkswagen Investors Claim*

*In re Takata Airbag Products Liability Litigation*

*Volkswagen Consumer Class Action*

## Settled | Resolved Cases

*Arkansas Teacher Retirement System v. State Street Corp.*

*In re CNL Hotels & Resorts, Inc. Securities Litigation*

*In re Empire State Realty Trust, Inc. Investor Litigation*

*In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*

*In re Oppenheimer Champion Fund Securities Fraud Class Actions*

*In re Prudential Bache Energy Income Partnerships*

*In re Prudential Securities Incorporated Limited Partnerships Litigation*

*In re Real Estate Associates Limited Partnership Litigation*

## Noteworthy

### In the News

- Brooklyn Law School**, Co-Chairman Lawrence A. Sucharow Appointed to Brooklyn Law School Board of Trustees (02/15/2018)
- Press Release**, Labaton Sucharow Names Christopher J. Keller Firm Co-Chairman (12/04/2017)
- Press Release**, Firm Chairman Lawrence A. Sucharow Celebrates 40th Anniversary at Labaton Sucharow (11/03/2017)
- Press Release**, Labaton Sucharow Again Named Top Plaintiffs Firm by Benchmark Litigation; Recommended for Outstanding Litigation on Behalf of Shareholders (10/17/2017)
- Press Release**, Labaton Sucharow Earns High Marks in the 2017 Legal 500 Guide (05/31/2017)
- Press Release**, Labaton Sucharow Remains Prominent Player in the Plaintiffs Bar (05/26/2017)
- Baruch College Alumni Magazine**, The Law of Success (11/30/2016)
- Law360**, State Street to Pay \$530M in Foreign Exchange Fee Deal (07/26/2016)
- Press Release**, Labaton Sucharow Recovers \$300 Million from State Street in connection with FX Trades (07/26/2016)
- Press Release**, With Speedy Resolution Underway for U.S. Car Owners, Labaton Sucharow Invites VW to Resolve Same Issues in Own Backyard (04/22/2016)
- Press Release**, Oldest and Largest German Association for Private Investors Joins Stichting Volkswagen Investors Claims (03/14/2016)
- Reuters**, Can U.S. law firms push VW into investor settlement in Holland? (02/19/2016)
- Reuters**, U.S. Law Firms are Betting on Control of VW Litigation Overseas (12/2/2015)
- Law360**, Ford, Automakers Ask JPML to Move Air Bag Suits to Pa. (12/01/2014)
- Law360**, Most Feared Plaintiffs Firm: Labaton Sucharow (11/10/2014)
- The National Law Journal**, Plaintiffs Move to Combine Airbag Cases in Florida (11/10/2014)
- Law360**, Titan of the Plaintiffs Bar: Lawrence Sucharow (11/05/2014)
- Bloomberg News**, Takata Airbag Customers Seek Joining of Lost-Value Suits (11/04/2014)
- Law360**, Car Owners Want Takata Air Bag Defect Suits Consolidated (11/04/2014)
- Law360**, Takata, Carmakers Face 1st Round of Exploding Air Bag Suits (10/28/2014)
- Pensions & Investments**, Precedent is Upheld on Class Action Lawsuits that are Spurred by Stock Losses (07/07/2014)
- Law360**, Analysis of the U.S. Supreme Court Ruling in *Halliburton v. Erica P. John Fund* (06/25/2014)
- The Wall Street Journal**, The Morning Risk Report: The Big Securities-Fraud Ruling That Wasn't (06/24/2014)

**Reuters - Alison Frankel's On the Case**, SCOTUS Halliburton Ruling Could Backfire for Securities Defendants (06/23/2014)

**AmLaw Litigation Daily**, Securities Lawyers Dodge a Bullet with Halliburton Ruling (06/23/2014)

**The National Law Journal**, Halliburton Ruling Aids Both Sides in Securities Litigation (06/23/2014)

**Law360**, High Court Sends Securities Class Actions Back to Basic(s) (06/23/2014)

**The Recorder**, After Shake Ups, Securities Bar is a Different Landscape (06/15/2014)

**Pensions & Investments**, Supreme Court to Revisit Investor Class Actions (11/18/2013)

**Lawdragon**, The Lawdragon 500 Lawyer Limelight: Lawrence Sucharow (04/08/2013)

**Law360**, REIT Shareholders Frustrated As Exec Pay Surpasses Returns (05/31/2012)

**Reuters**, Empire State Building IPO Could Bring Big Tax Bill (04/09/2012)

**BLS Law Notes**, Pay It Forward - Giving Back Paves the Road to the Future (11/01/2011)

**Law360**, 7 Tips for Maximizing Your Time Before the JPML (09/21/2010)

**Law360**, Cos. Turn to Plaintiffs Firms to Meet Litigation Needs (02/01/2010)

**The National Law Journal**, Plaintiffs' Firm Unite on Shareholder Rights (08/31/2009)

**The Wall Street Journal**, Unusually Structured REIT Got Bid, Now Firm Founder is Being Sued (07/20/2007)

**Legal Week**, U.S. Class Action Specialists Target U.K. Clients as Market Activity Intensifies (07/12/2007)

## Digital Library

**Law360**, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

**Wallstrip Chat**, Relationship Between Corporations and Their Shareholders (02/09/2007)

## Special Mentions

**Law360**, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

**Benchmark Litigation**, Securities Litigation Star (2018)

**Global Competition Review**, Leading Competition Lawyer - U.S. Plaintiffs (2016-2017)

**Chambers & Partners USA**, Plaintiffs' Securities Litigation Senior Statesman (2013-2017); Leading Individual (2010-2012)

**The Legal 500**, Recommended in the Field of Securities Litigation (2007, 2009-2017)

**Brooklyn Law School**, Alumni Committed to Employing Students (ACES) Honor Roll, Platinum Participant (2015)

**Law360**, Titan of the Plaintiffs Bar (2014)

**Benchmark Litigation**, Antitrust, Products Liability, and Securities Litigation Star (2012-2015)



**Who's Who Legal**, The International Who's Who of Competition Lawyers & Economists 2014 (2014)

**International Financial Litigation Network (IFLN)**, Lawrence A. Sucharow Elected Vice Chair (2013)

**Lawdragon**, Named One of the Leading Lawyers in America (2012)

**World Federation of Investors**, Lawrence A. Sucharow Appointed to the Advocacy Committee (2012)

**Brooklyn Law School**, Alumni of the Year (2012)

**Law360**, Most Admired Attorneys in America Series (2010)

**The National Law Journal**, Plaintiffs' Hot List: Noteworthy Cases (2008)

## Published & Presented

**DSW and Better Finance**, The VW Case - Legal Remedies for Investors Worldwide (Panelist) (11/29/2016)

**International Financial Litigation Network (IFLN)**, Volkswagen: Consumer Fraud, Environmental Harm, and Impact on the Investor (Panelist) (11/17/2016)

**National Day of Social Security and Labor**, American Pension Funds: General Characteristics, Investment Types, and Forms of Protection (Speaker) (05/14/2015)

**American Association for Justice's Takata Airbag Recall Seminar**, Next Steps (Speaker) (12/11/2014)

**Axis Insurance and Kaufman Dolowich & Voluck**, How will the Supreme Court's ruling on "fraud-on-the-market" presumption impact securities class action litigation? (Panelist) (06/26/2014)

**International Financial Litigation Network (IFLN)**, Spring Meeting (Panelist) (05/12/2014 - 05/13/2014)

**Responsible-Investor.com** and **ACI**, National Summit of Fiduciary Responsibility (Speaker) (06/10/2011)

**Bloomberg BNA**, Class Action Litigation How Courts Analyze Guilty Pleas and Government Investigations When Considering the Plausibility of an Antitrust Conspiracy After Twombly (03/06/2010)

**Securities Regulation & Law**, Death of the Worldwide Class? (06/22/2009)

**Pensions & Investments**, Schapirio Takes Right Path on Market Reform (06/01/2009)

**Brooklyn Law School**, Dean's Roundtable Discussion (Host) (10/01/2008)

**New York Law Journal**, Executive Compensation (03/20/2008)

**IPE Class Actions & Pensions**, FIFO vs LIFO (05/01/2006)

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# Labaton Sucharow



## Eric J. Belfi

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### Practice Areas

Securities Litigation

Non-U.S. Securities Litigation

Antitrust and Competition Litigation

Financial Products and Services Litigation

Consumer Protection Litigation

Client Monitoring and Case Evaluation

### Education

St. John's University School of Law  
J.D., 1995

Georgetown University  
B.A., 1992

### Admissions

1996, New York

#### U.S. Court of Appeals

2017, Tenth Circuit

#### U.S. District Court

1996, Southern District of New York

1996, Eastern District of New York

2002, Eastern District of Michigan

2004, District of Colorado

2006, Eastern District of Wisconsin

2013, District of Nevada

Representing many of the world's leading pension funds and other institutional investors, Eric J. Belfi is an accomplished litigator with experience in a broad range of commercial matters. Eric focuses on domestic and international securities and shareholder litigation, as well as direct actions on behalf of governmental entities. He serves as a member of the Firm's Executive Committee.

As an integral member of the Firm's Case Development Group, Eric has brought numerous high-profile domestic securities cases that resulted from the credit crisis, including the prosecution against Goldman Sachs. In *In re Goldman Sachs Group, Inc. Securities Litigation*, he played a significant role in the investigation and drafting of the operative complaint. Eric was also actively involved in securing a combined settlement of \$18.4 million in *In re Colonial BancGroup, Inc. Securities Litigation*, regarding material misstatements and omissions in SEC filings by Colonial BancGroup and certain underwriters.

Along with his domestic securities litigation practice, Eric leads the Firm's Non-U.S. Securities Litigation Practice, which is dedicated exclusively to analyzing potential claims in non-U.S. jurisdictions and advising on the risk and benefits of litigation in those forums. The practice, one of the first of its kind, also serves as liaison counsel to institutional investors in such cases, where appropriate. Currently, Eric represents nearly 30 institutional investors in over a dozen non-U.S. cases against companies including SNC-Lavalin Group Inc. in Canada, Vivendi Universal, S.A. in France, OZ Minerals Ltd. in Australia, Lloyds Banking Group in the UK, and Olympus Corporation in Japan.

Eric's international experience also includes securing settlements on behalf of non-U.S. clients including the UK-based Mineworkers' Pension Scheme in *In re Satyam Computer Securities Services Ltd. Securities Litigation*, an action related to one of the largest securities fraud in India which resulted in \$150.5 million in collective settlements. Representing two of Europe's leading pension funds, Deka Investment GmbH and Deka International S.A., Luxembourg, in *In re General Motors Corp. Securities Litigation*, Eric was integral in securing a \$303 million settlement in a case regarding multiple accounting manipulations and overstatements by General Motors.

Additionally, Eric oversees the Financial Products and Services Litigation Practice,

focusing on individual actions against malfeasant investment bankers, including cases against custodial banks that allegedly committed deceptive practices relating to certain foreign currency transactions. Most recently, he served as lead counsel to Arkansas Teacher Retirement System in a class action against State Street Corporation and certain affiliated entities alleging misleading actions in connection with foreign currency exchange trades, which resulted in a \$300 million recovery. He has also represented the Commonwealth of Virginia in its False Claims Act case against Bank of New York Mellon, Inc.

Eric's M&A and derivative experience includes noteworthy cases such as *In re Medco Health Solutions Inc. Shareholders Litigation*, which he was integrally involved in the negotiation of the settlement that included a significant reduction in the termination fee.

Eric's prior experience included serving as an Assistant Attorney General for the State of New York and as an Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted white collar criminal cases, including many securities law violations. He presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Eric is a member of the National Association of Public Pension Attorneys (NAPPA) Securities Litigation Working Group. He has spoken on the topics of shareholder litigation and U.S.-style class actions in European countries and has also discussed socially responsible investments for public pension funds.

## Ongoing Cases

*In re BP p.l.c. Securities Litigation (BP p.l.c.- Deepwater Horizon)*

*Claude A. Reese v. John Browne and Robert A. Malone (BP p.l.c.- Prudhoe Bay)*

*In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)*

*Direct Action Litigation Against Perrigo*

*Fortis SA/NV (Belgium)*

*In re Goldman Sachs Group, Inc. Securities Litigation*

*Lloyds Banking Group PLC (UK)*

*Lord Abbett Investment Trust – Lord Abbett Short Duration Income Fund v. Valeant Pharmaceuticals International, Inc.*

*In re Maximus, Inc. Securities Litigation*

*Ollila v Babcock & Wilcox Enterprises Inc.*

*Public Employees' Retirement System of Mississippi v. Valeant Pharmaceuticals International, Inc.*

*Saipem (Italy)*

*In re Takata Airbag Products Liability Litigation*

*The Boeing Company Employee Retirement Plans Master Trust v. Valeant Pharmaceuticals International, Inc.*

*Vivendi Universal (France)*

## Settled | Resolved Cases

*Arkansas Teacher Retirement System v. State Street Corp.*

*In re Colonial BancGroup, Inc. Securities Litigation*

*Construction Laborers Pension Trust of Greater St. Louis v. Autoliv, Inc.*

*In re General Motors Corp. Securities Litigation*

*In re Lehman Brothers Equity/Debt Securities Litigation*

*In re Medco/Express Scripts Merger Litigation*

*In re Molson Coors Brewing Co. Securities Litigation*

*Olympus (Japan)*

*OZ Minerals (Australia)*

*Royal Imtech (Netherlands)*

*In re Satyam Computer Services, Ltd. Securities Litigation*

*The City of Providence v. Aeropostale, Inc. et al.*

*Treasury Wine Estates (Australia)*

## Noteworthy

### In the News

**Press Release**, Labaton Sucharow Files Trio of Direct Actions Against AbbVie Alleging Securities Fraud (10/16/2017)

**Press Release**, Labaton Sucharow Files Direct Action on Behalf of Boeing and Mississippi PERS Against Valeant Alleging Securities Fraud (09/28/2017)

**Press Release**, Labaton Sucharow Files Direct Action on Behalf of Lord Abbett Against Valeant Alleging Securities Fraud (08/23/2017)

**Law360**, Rainmaker Q&A (08/15/2016)

**Press Release**, Labaton Sucharow Recovers \$300 Million from State Street in connection with FX Trades (07/26/2016)

**Press Release**, Labaton Sucharow Secures \$120 Million Recovery from Weatherford (07/01/2015)

**Pensions & Investments**, Public Pension Plans Take Shareholder Litigation International (07/21/2014)

**Law360**, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

**CNBC.com**, State Street Pays Full Price in Forex Settlement (02/18/2011)

**Pensions Management**, SRI Climbs Back Up the Agenda (09/01/2008)

**American Lawyer**, Plaintiffs Firms Score \$303 Million Class Action Settlement From GM, Deloitte (08/11/2008)

**The Associated Press**, GM and Deloitte Settle Shareholder Suit (08/08/2008)

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### Digital Library

**Law360**, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

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### Special Mentions

**National Association of Public Pension Attorneys (NAPPA)**, Securities Litigation Working Group (2015-2016)

**The Legal 500**, Recommended in the Field of Securities Litigation (2007, 2009-2011)

**The National Law Journal**, Plaintiffs' Hot List: Noteworthy Cases (2008)

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### Published & Presented

**Institutional Shareholder Services (ISS)**, Securities Class Action Services Panel Discussion (Panelist) (10/28/2015)

**Euroshareholders**, Legal Committee Meeting: Class Actions in the United States (Speaker) (04/08/2007)

# Labaton Sucharow



## Christopher J. McDonald

Partner

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### Practice Areas

Securities Litigation

Antitrust and Competition Litigation

### Education

Fordham University School of Law  
J.D., 1992

Manhattan College  
B.A., *cum laude*, 1985

### Admissions

1993, New York

#### 2012, U.S. Supreme Court

#### U.S. Court of Appeals

2006, Second Circuit

2005, Third Circuit

2017, Fourth Circuit

2009, Ninth Circuit

2007, Federal Circuit

#### U.S. District Court

1994, Southern District of New York

1994, Eastern District of New York

1998, Western District of Michigan

Christopher J. McDonald focuses on prosecuting complex securities fraud cases. Chris also works with the Firm's Antitrust & Competition Litigation Practice, representing businesses, associations, and individuals injured by anticompetitive activities and unfair business practices.

Most recently, he served as lead counsel in *In re Amgen Inc. Securities Litigation*, a case against global biotechnology company Amgen and certain of its former executives, resulting in a \$95 million settlement. He also served as co-lead counsel in *In re Schering-Plough Corporation / ENHANCE Securities Litigation*, which resulted in a \$473 million settlement, one of the largest securities class action settlement ever against a pharmaceutical company and among the ten largest recoveries ever in a securities class action that did not involve a financial reinstatement. He was also an integral part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*, where Labaton Sucharow secured a \$185 million settlement, as well as significant corporate governance reforms, on behalf of Bristol-Myers shareholders.

In the antitrust field, Chris was most recently co-lead counsel in *In re TriCor Indirect Purchaser Antitrust Litigation*, obtaining a \$65.7 million settlement on behalf of the class.

Chris began his legal career at Patterson, Belknap, Webb & Tyler LLP, where he gained extensive trial experience in areas ranging from employment contract disputes to false advertising claims. Later, as a senior attorney with a telecommunications company, Chris advocated before government regulatory agencies on a variety of complex legal, economic, and public policy issues. Since joining Labaton Sucharow, Chris' practice has developed a focus on life sciences industries; his cases often involve pharmaceutical, biotechnology, or medical device companies accused of wrongdoing.

During his time at Fordham University School of Law, Chris was a member of the *Law Review*. He is currently a member of the New York State Bar Association and the Association of the Bar of the City of New York.

## Ongoing Cases

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*

## Settled | Resolved Cases

*In re Amgen Inc. Securities Litigation*

*In re Beckman Coulter, Inc. Securities Litigation*

*In re Bristol-Myers Squibb Securities Litigation*

*In re Natural Gas Commodity Litigation*

*In re Stock Exchange Options Trading Antitrust Litigation*

*In re TriCor Indirect Purchaser Antitrust Litigation*

## Noteworthy

### In the News

**Press Release**, Labaton Sucharow Recovers \$95 Million in Securities Class Action Against Biotech Titan Amgen Inc. (07/20/2016)

**Law360**, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

**Forbes**, Supreme Court May Hem In, But Not Overrule Securities Class-Action Theory (03/05/2014)

**Law360**, Top Plaintiffs Firms Say Amgen No License To Print Money (02/28/2013)

**Pensions & Investments**, Supreme Court Rules on Class Action, Gabelli Cases (02/27/2013)

**Pink Sheet DAILY**, Securities Fraud Class Action Suits Could Grow After Amgen's Supreme Court Loss (02/27/2013)

**The New York Times**, Merck Settles Suits Over Cholesterol Drug (02/14/2013) **Reuters**, Merck to Pay \$688 Million to Settle Enhance Lawsuits (02/14/2013)

### Digital Library

**Law360**, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

### Special Mentions

**Law360**, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

**The National Law Journal**, Plaintiffs' Hot List: Noteworthy Cases (2009 and 2014)



**Christopher J. McDonald**  
Partner

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### **Published & Presented**

**Law Seminars International**, Class Actions and Alternatives For Resolving Aggregate Claims (Panelist) (06/17/2013)

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# Labaton Sucharow



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### Practice Areas

Antitrust and Competition Litigation

### Education

Northwestern University School of Law  
J.D., *cum laude*, 1997

Harvard University  
A.B., *cum laude*, Sociology, 1994

### Admissions

1999, New York

### U.S. Court of Appeals

2006, Ninth Circuit

### U.S. District Courts

2000, Southern District of New York  
2001, Eastern District of New York

With nearly two decades of litigation experience, Karin E. Garvey focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Karin practiced antitrust and general litigation at Kaye Scholer LLP, representing and counseling clients from a wide spectrum of industries including pharmaceuticals, cosmetics, building materials, film, finance, and private equity.

Karin brings significant experience in managing complex, multijurisdictional cases from initial case development through resolution and appeal. She has prepared and defended company executives for deposition, hearing, and trial and has conducted similar examinations of her opponents. Karin also has significant experience working with experts—including economists, toxicologists, materials scientists, valuation experts, foreign law experts and appraisers, among others—developing reports and testimony, preparing for and defending depositions, as well as taking depositions of opponents' experts. In addition, Karin has engaged in all phases of trial preparation and trial and has briefed and argued appeals.

Karin obtained her J.D., *cum laude*, from Northwestern University School of Law, where she was a Note and Comment Editor for the *Journal of Criminal Law and Criminology*. She earned her A.B., *cum laude*, in Sociology from Harvard University.

Karin is an Antitrust Section Member of the American Bar Association.

### Ongoing Cases

*In re Foreign Exchange Benchmark Rates Antitrust Litigation*

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*

*In re Interest Rate Swaps Antitrust Litigation*

*ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)*

*In re Lidoderm Antitrust Litigation*

*In re Opana ER Antitrust Litigation*

*In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)*

*In re Treasury Securities Auction Antitrust Litigation*

## Noteworthy

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### Published & Presented

**Competition Policy International**, A Turning of the Tide: Victim Redress Through Private Antitrust Litigation (07/18/2016)

**Antitrust Health Care Chronicle**, Indirect Purchasers Face a High Bar in Certifying Class Actions Involving Claims of Delayed Generic Entry in the Pharmaceutical Industry in the Wake of Recent U.S. Supreme Court Decisions (01/01/2015)

**Bloomberg BNA- Antitrust & Trade Regulation Report**, Is Any Consideration a 'Payment'? The Continuing Struggle over How to Interpret *FTC v. Actavis* (01/09/2015)

# Labaton Sucharow



## Robin A. van der Meulen

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### Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

### Education

Brooklyn Law School  
J.D., 2009

Columbia University  
B.A., 2002

### Admissions

2010, New York

### U.S. Court of Appeals

2011, Second Circuit

### U.S. District Court

2010, Southern District of New York  
2010, Eastern District of New York

Robin A. van der Meulen focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Robin was a litigation associate at Willkie Farr & Gallagher LLP, where she practiced antitrust and commercial litigation. During law school, Robin served as a judicial intern in United States Bankruptcy Court for the Eastern District of New York for the Honorable Elizabeth S. Stong.

Robin obtained her J.D. from Brooklyn Law School where she was an Associate Managing Editor of the *Journal of Law and Policy* and a member of the Moot Court Honor Society. During her time there, she also earned the CALI Award for Excellence in Legal Writing I & II. Robin earned her B.A. from Columbia University.

Robin is a member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association and the Advisory Board of the Antitrust Section's Health Care & Pharmaceutical Committee of the American Bar Association. Since 2012, Robin has been an editor of the *Health Care Antitrust Week-In-Review*, a weekly publication that summarizes antitrust news in the health care industry.

### Ongoing Cases

*In re Aggrenox Antitrust Litigation*

*In re Foreign Exchange Benchmark Rates Antitrust Litigation*

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*

*ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)*

*In re Takata Airbag Products Liability Litigation*

*In re Treasury Securities Auction Antitrust Litigation*

*UFCW Local 1500 Welfare Fund v. Johnson & Johnson and Janssen Biotech*

## Settled | Resolved Cases

*In re Air Cargo Shipping Services Antitrust Litigation*

*In re Credit Default Swaps Antitrust Litigation*

*In re Municipal Derivatives Antitrust Litigation*

## Noteworthy

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### In the News

**Press Release**, Four Attorneys Promoted at Labaton Sucharow (12/13/2017)

**Press Release**, Labaton Sucharow Files Antitrust Class Action Against Johnson & Johnson Regarding Biologic Medication (10/27/2017)

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### Published & Presented

**American Bar Association**, Recent Issues in Reverse Payments Litigations (Panelist) (09/14/2017)

**Antitrust Health Care Chronicle**, Cash or No Cash – That Is No Longer the Question! (04/22/2016)

**New York State Bar Association (NYSBA)**, Why Antitrust? (Panelist) (06/17/2015)

**New York State Bar Association (NYSBA)**, Why Antitrust? (Panelist) (06/26/2014)

**Bloomberg BNA Daily Report for Executives**, What's Located in Washington, Part of the Government and Rolling in Dough? (03/12/2014)

# Labaton Sucharow

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## Matthew Perez

Associate

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### Practice Areas

Antitrust and Competition Litigation

### Education

Benjamin N. Cardozo School of Law School  
J.D., 2010

Swarthmore College  
B.A., Political Science and History, 2006

### Admissions

2010, New Jersey  
2011, New York

### U.S. District

2010, District of New Jersey  
2012, Southern District of New York

Matthew Perez focuses on representing businesses and public pension funds in complex antitrust class actions.

Matthew joined Labaton Sucharow from the New York State Attorney General's office, where he served as a Volunteer Assistant Attorney General in the Antitrust Bureau. While there, he received the Louis J. Lefkowitz Memorial Award for his work investigating bid rigging and other illegal conduct in the municipal bond derivatives market, resulting in more than \$260 million in restitution to municipalities and nonprofit entities. He also investigated pay-for-delay matters involving multinational pharmaceutical companies. Prior to that, he served as an intern for the Honorable Richard B. Lowe III at the New York Supreme Court, Commercial Division.

Matthew obtained his B.A. in Political Science and History from Swarthmore College and his J.D. from Benjamin N. Cardozo School of Law School, where he was Executive Editor of the Cardozo Journal of Conflict Resolution and received the Jacob Burns Medal for Outstanding Contribution to the Law School.

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### Ongoing Cases

*In re Aggrenox Antitrust Litigation*

*In re Capacitors Antitrust Litigation*

*In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)*

*In re Foreign Exchange Benchmark Rates Antitrust Litigation*

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*

*ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)*

*In re Lidoderm Antitrust Litigation*

*In re Opana ER Antitrust Litigation*

*In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)*

*In re Treasury Securities Auction Antitrust Litigation*

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## Settled | Resolved Cases

*In re Aftermarket Automotive Lighting Products Antitrust Litigation*

*In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*

*Sandhaus v. Bayer Corp., et al.*

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## Noteworthy

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### Published & Presented

**American Bar Association Section of Antitrust Law**, Pushing Forward or Staying the Course?: Product Hopping, Exclusionary Conduct, and the Recent Suboxone MTD Ruling (Moderator) (10/16/2017)

**Law360**, Creating a Partial Solution to Delayed Generic Competition (06/24/2016)

**NYLitigator**, Whistle While You Work – For a Cartelist: Whistleblower Protection and Antitrust (Fall 2015)

**Competition Policy International Antitrust Chronicle**, Shall We Dance?— Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act (December 2015)

**Competition Policy International Antitrust Chronicle**, Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls (January 2014)

# Labaton Sucharow



## Brian Morrison

Associate

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### Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

### Education

Rutgers School of Law, Camden  
J.D., 2012 *magna cum laude*

Georgetown University  
B.S., 2008

### Admissions

2012, New Jersey  
2013, New York

### U.S. District Court

2012, District of New Jersey  
2013, Southern District of New York

Brian Morrison focuses on prosecuting complex antitrust class actions on behalf of public entities and businesses. As part of his practice, he is deeply involved in investigating potential claims brought by state and local governments against large companies in the opioid supply chain in an effort to recover much-needed funds to help fight the widespread epidemic. Brian also represents consumers in nationwide class actions, and is involved in the Takata multidistrict litigation, a class action concerning defective airbags in nearly 70 million vehicles.

Prior to joining Labaton Sucharow, Brian concentrated on complex federal court litigation at Drinker Biddle & Reath LLP and at Day Pitney LLP, where he represented large pharmaceutical and medical device companies in mass tort litigation and class actions. Brian developed a strong working knowledge of consumer and product liability laws across a variety of jurisdictions, and he is well versed in handling class certification issues and the creation and administration of multidistrict litigation. He also served as a judicial law clerk for the Honorable Jaynee LaVecchia of the Supreme Court of New Jersey, where he recommended whether the Court should grant petitions for certification on important issues of civil and criminal law.

Brian earned a J.D., *magna cum laude*, from Rutgers School of Law and a B.A. in Business Administration with a concentration in Finance from Georgetown University. While in law school, he was a Notes and Comments Editor for the *Rutgers Law Journal* and co-founded the Rutgers Business Law Association. He also served as a legal intern for the Honorable Theodore McKee, U.S. Court of Appeals for the Third Circuit, the Honorable Reggie Walton, U.S. District Court for the District of Columbia, the Honorable Jack Sabatino, Superior Court of New Jersey—Appellate Division, and the Honorable Carol Higbee, Superior Court of New Jersey.

Brian is a Founder and Co-Chair of the Young Lawyers Division of the Association of the Federal Bar of New Jersey. Previously, he was appointed to serve on the Supreme Court of New Jersey Ad Hoc Committee on Law Firm Trade Names, and was selected as a founding member of the *New Jersey Law Journal* Young Lawyers Advisory Board. He also has been selected to serve on Hoboken Mayor-Elect Ravi Bhalla's Transition Team, where he will serve on the Affordable Housing Committee. In that capacity, Brian will make recommendations to Mayor-Elect Bhalla's team about relevant legal issues, and he will also provide strategic advice on how the incoming administration can increase affordable housing opportunities for city residents.

# Labaton Sucharow

**Brian Morrison**  
Associate

## Ongoing Cases

*In re Takata Airbag Products Liability Litigation*

*Volkswagen Consumer Class Action*

## Noteworthy

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## Published & Presented

**Law360**, Arbitration Rule Repeal Will Adversely Affect Consumers (11/02/2017)

**Law360**, Investor Recovery Strategies Following ANZ Securities (07/12/2017)

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